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**Written Testimony of Aleks Kajstura,
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Government Administration and Elections Committee

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Support S.B. 753

Thank you, Co-chairs Flexer and Fox, and members of the Committee for providing the opportunity for me to provide written testimony. My name is Aleks Kajstura and I am an attorney and Legal Director of the Massachusetts-based non-profit, non-partisan Prison Policy Initiative.

This bill will bring Connecticut one step closer to enacting the constitutional ideals equal representation. This bill aligns the state's redistricting data with its residence laws, ensuring everyone is counted in the right district.

Each decade, Connecticut redraws its state and local legislative districts on the basis of population to ensure that each district contains the same population as other districts. In this way, the state attempts to give all residents the same access to representation in state government. Unfortunately, inaccuracies in the underlying population data undermine the state's efforts.

Census Bureau's rule for counting prison populations at the location of the facility where they are incarcerated on Census day is in conflict with the law of Connecticut, which says that prison is not a residence. (And even though the state deprives many incarcerated of their right to vote, the state is required to count them at redistricting time, just as it does with all other non-voting populations.) A legal residence is the place where a

person chooses to live and does not intend to leave. The Connecticut statute is explicit:

No person shall be deemed to have lost his residence in any town by reason of his absence therefrom in any institution maintained by the state.

(General Statutes of Connecticut § 9-14.)

The state's redistricting data is incompatible with its residence law – this is clear when you look at how incarcerated persons are treated for voting purposes. In Connecticut, some persons in prisons retain the right to vote – for example, if they are awaiting trial or are serving time for misdemeanors. For voting purposes, they are not permitted to claim residence in the prison, but must vote absentee in their home communities.¹ Yet when the state draws legislative districts, it credits the prison population to the prison community, in clear conflict with the treatment of incarcerated persons for voting.

This is a problem that is created by the Census Bureau – and its impact in Connecticut is not unique. Seven states have already passed legislation to adjust their redistricting data to count incarcerated people in their home state legislative districts. New York and Maryland have already successfully implemented their laws² this past redistricting cycle and California, Colorado, Delaware, Nevada, New Jersey, Virginia, and Washington State's laws will first apply after the 2020 census. Illinois has also passed similar legislation, but due to their unique circumstance they have delayed implementation until the following redistricting cycle.

By passing this bill, Connecticut would become the 11th state in the country to ensure accurate redistricting data and equal representation for its residents.

¹ See Caroline Porter, "State Prisons Create Uneven Districts," *Cheshire Record-Journal*, November 8, 2005 (noting issuance of absentee ballots to eligible incarcerated persons in Cheshire).

² The laws of both states ending prison gerrymandering were upheld in the courts. New York's law was upheld in state court (*Little v New York State Task Force on Demographic Research and Reapportionment* No. 2310-2011 slip op. (NY Sup Ct. Dec. 1, 2011)) and Maryland's law was affirmed by the U.S. Supreme Court (*Fletcher v. Lamone*, 133 S. Ct. 29, (June 25, 2012, No. 11-1178) affirming F.Supp.2d 887 (D. Md. 2011)).

No impact on federal or state aid formulas

Lastly, I want to address a common misconception I've seen come up with similar bills. Legislators are often concerned about the impact this type of bill might have on the distribution of government funds.

Please note that SB 753 adjusts address data that is only used for redistricting purposes, the data is not reported back the Census Bureau and any agency that uses any population data will draw their figures directly from the Census Bureau's publications or their own special sources. Therefore, this bill would not affect any federal or state aid or grants because there are no funding formulas that rely on redistricting data.

Conclusion

The basic principle of our democracy is that representation is distributed on the basis of population. Crediting incarcerated people to the wrong location has the unfortunate and undemocratic result of creating a system of representation without population.

Thank you for your time and consideration.



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